

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

DOMINGO RAMIREZ RODRIGUEZ,  
Defendants.

NO. CR19-249 RSL

**PROTECTIVE ORDER**

This matter comes before the Court on the Stipulated Motion for a Protective Order regarding discovery materials, as permitted by Fed. R. Crim. P. 16(d). Having considered the record and files herein, the Court finds there is good cause to grant the stipulated motion, and hence:

IT IS HEREBY ORDERED that the discovery materials discussed in the Motion for the Protective Order and referred to therein as "Protected Material," marked specially as "Protected Material," may be produced to counsel for the Defendant in this case.

IT IS FURTHER ORDERED that possession of Protected Material is limited to the attorneys of record in this case and their staff, and to any investigators, expert witnesses, and other agents the attorneys of record retained in connection with this case. The attorneys

1 of record, and their investigators, expert witnesses, and other agents can review Protected  
2 Material with the Defendant. The Defendant can inspect and review Protected Material,  
3 but shall not be allowed to possess, photograph, or record Protected Material or otherwise  
4 retain Protected Material or copies thereof.

5 IT IS FURTHER ORDERED that defense counsel shall not provide Protected  
6 Material or copies thereof to any other person outside his or her law office, including the  
7 Defendant or his family or associates. If the Defendant resides at the FDC, he will be  
8 permitted to review the Protected Material, consistent with the regulations established by  
9 the Bureau of Prisons for discovery materials subject to a protective order and designated  
10 as protected or sensitive material. Consistent with those rules and regulations, the  
11 Defendant will be permitted to review the Protected Material with his counsel or in a  
12 controlled environment at the FDC, but will be prohibited from keeping a copy of the  
13 material in his possession, printing it out, copying it, or distributing it.

14 IT IS HEREBY FURTHER ORDERED that the Defendant, defense counsel, and  
15 others to whom disclosure of the content of the Protected Material may be necessary to  
16 assist with the preparation of the defense, shall not disclose the Protected Material or its  
17 contents, other than as necessary for the preparation of defenses at trial and in subsequent  
18 appellate proceedings, if necessary. Specifically, the attorneys of record and members of  
19 the defense team acknowledge that providing copies of the Protected Material to the  
20 Defendant and other persons is prohibited, and agree not to duplicate or provide copies of  
21 the Protected Material to the Defendant and other persons. This order does not limit  
22 employees of the United States Attorney's Office for the Western District of Washington  
23 from disclosing the Protected Material to members of the United States Attorney's Office,  
24 federal law enforcement agencies, the Court, or witnesses in order to pursue other  
25 investigations or the prosecution in this case. Nor does it limit employees of the United  
26 States Attorney's Office for the Western District of Washington from disclosing the  
27 Protected Material to the defense as necessary to comply with the government's discovery  
28 obligations.

1        Nothing in this Protective Order prohibits defense counsel from showing the  
2 Protected Material, or reviewing its contents, with the Defendant or with others to whom  
3 disclosure may be necessary to assist with the preparation of the defense at trial and in  
4 subsequent appellate proceedings, if necessary.

5        IT IS FURTHER ORDERED that if counsel for the Defendant finds it necessary to  
6 file any documents marked as Protected Material, the material shall be filed under seal with  
7 the Court.

8        Nothing in this Order shall prevent any party from seeking modification of this  
9 Protective Order or from objecting to discovery that it believes to be otherwise improper.  
10 The parties agree that in the event that compliance with this Order makes it difficult for  
11 defense counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an  
12 unworkable burden on counsel, defense counsel shall bring any concerns about the terms  
13 of the Order to the attention of the government. The parties shall then meet and confer  
14 with the intention of finding a mutually acceptable solution. In the event that the parties  
15 cannot reach such a solution, defense counsel shall have the right to bring any concerns  
16 about the scope or terms of the Order to the attention of the Court by way of a motion.

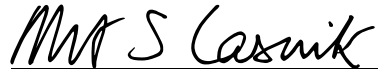
17        Nothing in this order should be construed as imposing any discovery obligations on  
18 the government that are different from those imposed by case law and Rule 16 of the  
19 Federal Rules of Criminal Procedure. The failure to designate any materials as provided  
20 in paragraph 2 shall not constitute a waiver of a party's assertion that the materials are  
21 covered by this Protective Order.

22        This Protective Order does not constitute a ruling on the question of whether any  
23 particular material is properly discoverable or admissible and does not constitute any ruling  
24 on any potential objection to the discoverability of any material.

25        IT IS FURTHER ORDERED that at the conclusion of the case, the Protected  
26 Material shall be returned to the United States, or destroyed, or otherwise stored in a  
27 manner to ensure that it is not subsequently duplicated or disseminated in violation of this  
28 Protective Order.

1 The Clerk of the Court is directed to provide a filed copy of this Protective Order to  
2 all counsel of record.

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4 DATED this 7<sup>th</sup> day of August, 2020.

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7 Robert S. Lasnik  
8 United States District Judge  
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11 Presented by:

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13 s/ Nicholas Manheim

14 NICHOLAS MANHEIM

15 Assistant United States Attorney  
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